

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Glenn Graff, et al.	:	CASE NO. 1:09-CV-00670
	:	
PLAINTIFFS	:	Judge Susan J. Dlott
	:	
v.	:	Magistrate Judge Karen L.
	:	Litkovitz
	:	
	:	
	:	
Haverhill North Coke Company, et al.	:	
	:	
DEFENDANTS	:	
	:	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL AND
MEMORANDUM IN SUPPORT**

In accordance with Paragraph 8 of the Protective Order (Doc. 66) and S.D. Ohio Civ. R. 79.3, the Plaintiffs file this motion for leave of the Court to file Exhibits 1, 2, and 3 to Plaintiffs' Response to Defendants' Brief in Support of Privileges and Protections under seal. The exhibits are documents beginning with Bates numbers HNCCE-00264550, HNCCE-00273688, and HNCCE-00139904.

Good cause exists to file the emails and Notice of Violation under seal. The documents have been designated by the Defendants as meeting the definition of Confidential Material under the Protective Order. Under Paragraph 16 of the Protective Order, it is the Defendants' burden to persuade the Court that the materials designated are Confidential Material. Plaintiffs do not necessarily agree that the documents meet the definition but do not challenge the assertion at this time. The Plaintiffs reserve the right to challenge the Confidential Material designation at a later

time. The Exhibits are referenced in Plaintiffs' response brief and the Court may wish to review them in their entirety.

If the motion is granted, the Plaintiffs will file the exhibits under seal 7 days after the filing of this Motion as required by Paragraph 8 of the Protective Order.

s/ Justin D. Newman
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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2012, a copy of the foregoing *PLAINTIFFS' MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL AND MEMORANDUM IN SUPPORT* was electronically filed with the Clerk of Court using the Court's electronic filing system. Notice of this filing will be sent to all parties in the case by operation of the Court's electronic filing system, and parties may access this filing through the Court's system.

s/ Nicholas W. Schwandner
Nicholas W. Schwandner